



I am pleased to publish this report on the efforts of the Wisconsin National Guard in response to sexual assault. Sexual assault is a crime and it will not be tolerated. The Wisconsin National Guard clearly recognizes that our most valuable resources are the men and women who wear the uniform. Building and sustaining an environment of trust is critical to mission success and is my highest priority.

In the past few years the leadership of the Wisconsin National Guard has taken bold steps to prevent sexual assault, protect our Service members, investigate allegations and prosecute and punish offenders. The leadership team of the Wisconsin National Guard is dedicated to providing an environment free from sexual assault for all 10,000 men and women of the Wisconsin National Guard. We are committed to eliminating sexual assault from our ranks.

The cornerstone of this program for the past few years has been the deliberate and direct involvement of leadership from The Adjutant General down to the newest Soldier or Airman in our formations. I have tasked key leaders, including my Deputies Adjutant General, General Mark Anderson and General Gary Ebben and our Senior Enlisted Advisors, Command Sergeant Major Brad Shields and Command Chief Master Sergeant Greg Cullen, and we have addressed every formation within the Army and Air National Guard in Wisconsin to stress the intolerance for sexual assault and to explain the immediate and deliberate response to reported cases of assault.

In addition, Governor Walker signed legislation which made critical and substantive changes to the Wisconsin Code of Military Justice, which define the acts of sexual assault and eliminate gaps in this complex issue. We have also added legal advisors, known as Special Victim Advocates, to represent the victims of sexual assault through the investigation and prosecution phases of the cases.

Noteworthy initiatives include the addition of two special service dogs, Falcon and Peanut, who break down barriers to reporting and provide comfort to victims and witnesses of sexual assault. Falcon serves the Wisconsin National Guard as a whole, where Peanut is stationed at Fort McCoy at the National Guard Challenge Academy, serving at-risk youth working toward receiving their high school diplomas.

While we have not eliminated sexual assault and have more work to do, we have made significant strides, we have increased reporting, and are providing valuable services to the victims of sexual assault. We are steadily moving toward an environment that eliminates the “bystander” mentality and empowers all Soldiers, Airmen and employees to intervene at the first sign of potential sexual assault. The Wisconsin National Guard will continue this campaign

against sexual assault until this crime is eliminated from our ranks and units. With continued emphasis, we will achieve our goal of zero sexual assaults within the Wisconsin National Guard. We appreciate the honor of serving this great state and nation, and are grateful for your support.

Donald P. Dunbar  
Major General, Wisconsin National Guard  
The Adjutant General

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# INTRODUCTION

The following report outlines the efforts of the Wisconsin National Guard to eliminate sexual assault within our ranks and our process when sexual assault occurs. Since its inception in 2008, the Wisconsin National Guard Sexual Assault Prevention and Response (SAPR) office has been the lead agency for the development and implementation of policy and procedure on behalf of The Adjutant General. This report focuses on the efforts within the Wisconsin National Guard in 2013 and 2014.

## POLICY

Sexual assault is a crime and will not be tolerated in the Wisconsin National Guard. We will not look the other way. Sexual assault has a devastating and lasting impact on the victim, it degrades readiness by undermining the trust that is essential to military service, it is inconsistent with our core values and it tears apart unit cohesion. All members of the Wisconsin National Guard share a responsibility to ensure a climate of mutual respect and trust. All members share a responsibility to intervene when inappropriate behavior occurs. If sexual assault is alleged, The Adjutant General's policy is to protect both the victim and accused, both of whom have rights. However, the number one priority is to take care of the victim. The Wisconsin National Guard will assure immediate care and take the complaint seriously. The Wisconsin National Guard policy follows closely the five lines of effort (LOE) found in the Department of Defense SAPR Strategic Plan (Prevention, Investigation, Accountability, Advocacy/Victim Assistance and Assessment).



# CODE OF MILITARY JUSTICE

The Uniform Code of Military Justice does not apply to members of the National Guard unless they are serving on active duty. Typically, members of the National Guard serve in a state status either in a training/operational status (federally funded under Title 32 U.S.C.) or on state active duty. Unless mobilized for active duty, members of the National Guard serve under the command and control of the Governor who delegates full command authority to the Adjutant General.

The Wisconsin Code of Military Justice (WCMJ) establishes criminal statutes for Wisconsin National Guard members when operating in a Title 32 status or in a state active duty status. The WCMJ provides tools to commanders under appropriate circumstances, such as sexual assault.

The active duty military has faced congressional scrutiny for commanders' involvement in court-martial proceedings. We understand and support the involvement of the active duty commander; however, the National Guard is a different organization. Under, the Wisconsin Code of Military Justice, local District Attorney or the U.S. Attorney maintains primary jurisdiction of nonmilitary offenses, not the Commander. Unrestricted complaints of sexual assault are referred first to law enforcement and if the appropriate office decline prosecution, the Wisconsin National Guard may take action under the WCMJ. Wis. Stat. § 322.002(2), which provides:

A proper civilian court has primary jurisdiction of a nonmilitary offense when an act or omission violates both this code and local criminal law, foreign or domestic. In this case, a court-martial may be initiated only after the civilian authority has declined to prosecute or dismissed the charge.

However, for exclusively military offenses, or where one of the above civilian authorities declines to prosecute, the Adjutant General has the authority under state law to convene a court martial to prosecute a Soldier or Airman who has committed a crime in a National Guard duty status.

## ARTICLE 120, WCMJ

In an on-going effort to address sexual assault in the military, the Wisconsin National Guard presented a significant revision to the Wisconsin Code of Military Justice and its prohibitions against any form of sexual assault. The enhanced Article 120 delineates 11 offenses including:

rape, sexual assault, aggravated sexual contact, stalking, sexual assault of a child, sexual abuse of a child, indecent viewing, visual recording or broadcasting of sexual acts, and indecent exposure. Wisconsin recognizes the growing problem of sexual assault in the military and is combating it with broader legislation that will dynamically address this complex problem.

In addition to addressing this problem legislatively, the Wisconsin National Guard has implemented new tools to bolster prevention, response, and investigation of sexual assault crimes. Wisconsin currently employs a Sexual Assault Response Coordinator who works as the focal point for all allegations of sexual assault. Additionally, four specially-trained investigators are assigned to investigate specific instances of sexual assault within the Wisconsin National Guard (WING) for possible administrative or judicial action. Finally, in response to the special concerns of the victims in these cases, the WING will assign each victim a Special Victims Counsel as an attorney-advocate who represents the victim in each case.

## SAPR OFFICE

In 2008 the Wisconsin National Guard assigned a full time military, dual status Title 32 employee to the SAPR office to serve as a Sexual Assault Response Coordinator (SARC). In 2013, the Wisconsin National Guard added a second employee, a full time Victim Advocate (VA). In addition, there are over 100 collateral duty VA Soldiers and Airmen within the Army units and Air Force wings of the Wisconsin National Guard. The first Colonel in the chain of command must select and appoint these professional volunteers for VA duties. Once appointed, The Adjutant General vets the collateral duty VA Service Members through external investigations.

## INVESTIGATION

On 30 July 2012, the Chief of the National Guard Bureau (CNGB) established the Office of Complex Investigations (OCI) under the National Guard Bureau-Chief Counsel, to provide a capability to perform complex administrative investigations at the request of The Adjutants General (TAG) of the 54 States, Territories and the District of Columbia, or an investigation at the direction of the CNGB for active duty matters. The requested investigations may include those regarding reports of sexual assault made by or against members of the National Guard (NG). It is NGB policy to assist TAGs, upon their request, to perform complex administrative investigations, with specially trained personnel, on alleged reports of sexual assault with a NG nexus, and for other matters on a case-by-case basis, including those affecting NG good order and discipline. If a TAG requests support, the National Guard Bureau-Chief Counsel will make the determination regarding whether or not an allegation has a sufficient National Guard nexus.



Each State and Territory was initially authorized two seats in the investigator training course to qualify Service members in the requisite skills for performing these sensitive investigations. The Wisconsin National Guard opted to send four Service Members, two Army Soldiers and two Air Force Airmen to the course to better serve potential victims of crime.

## SPECIAL VICTIMS COUNSEL

Typically, in the adversarial criminal justice system, there are attorneys for two parties only: the prosecution and the defense. This construct, unfortunately, has a tendency to restrict or exclude the victim's interests in the process. The Special Victims' Counsel (SVC) program is intended to imbue and protect a legal interest in the victim. SVCs "provide advocacy during the military justice and administrative action processes ... and advocate the victim's interests."

## STAND DOWN ACTIVITIES

In accordance with a 2013 Department of Defense 'SAPR Stand Down', the Wisconsin National Guard launched a series of initiatives beginning June of 2013. The primary elements of the stand down were leader engagement and professionalizing victim support.

The center of gravity of the National Guard Bureau SAPR strategic plan is that leaders at all levels are involved in the prevention of sexual assault. The most important and most visible elements of the 2013 SAPR Stand Down were the key leader engagements. Major General Dunbar and his Deputy Adjutants General for Army and Air personally addressed every formation down to the company/battery/troop/flight level within the Wisconsin National Guard between July and September of 2013.



Additional screening and training requirements were instituted for Service Members selected to serve as victim advocates. Screening and training requirements now meet standards of the National Organization for Victim Assistance (NOVA) and the Defense Sexual Assault Advocate



Certification Program. Service Members selected and appointed as advocates undergo a series of screenings that are above and beyond the standards necessary to obtain a Secret security clearance. Additionally, these Service Members participate in 32 hours of advocacy and victimology training every two years in order to remain professionally accredited by NOVA. Serving as an advocate for victims of sexual assault is now the most intensive and professional additional duty assignment within the Wisconsin National Guard.

On 14 June 2013, the National Guard Bureau issued Execution Order 13-01, Sexual Harassment/Assault Response and Prevention (SHARP) Program Workplace Inspection into effect. The Execution Order directed commanders or supervisors to inspect every National Guard controlled workplace (owned, leased or occupied), installation, reserve center, armory, building, military vehicle storage building (MVSF), shop, cold storage building and warehouse. By 3 July 2013, the Wisconsin National Guard was in full compliance with the workplace inspection and commanders and supervisors removed any offending material from the facilities.

## COLLABORATION

The Wisconsin National Guard has partnered with numerous civilian agencies in the effort against sexual assault to include the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is a state-level entity that provides oversight and training support for lower-level agencies within the state, such as rape crisis shelters and women's assistance centers. These lower-level agencies vary in terms of purpose and scope, but most are county or community based; are grant-funded; and exist to provide access to services for victims and survivors of sexual assault. WCASA provides support following a regional model, with five regions.

The Wisconsin National Guard has also partnered with Custom Canines Service Dog Academy (CCSDA) in Madison. Custom Canines is a 501(c)3 not-for-profit organization of volunteer professionals and individuals who embrace the endeavor of creating and supporting lasting partnerships between highly skilled service dogs and the community of mankind with diverse impairments and disabilities, thus greatly enhancing their quality of life.

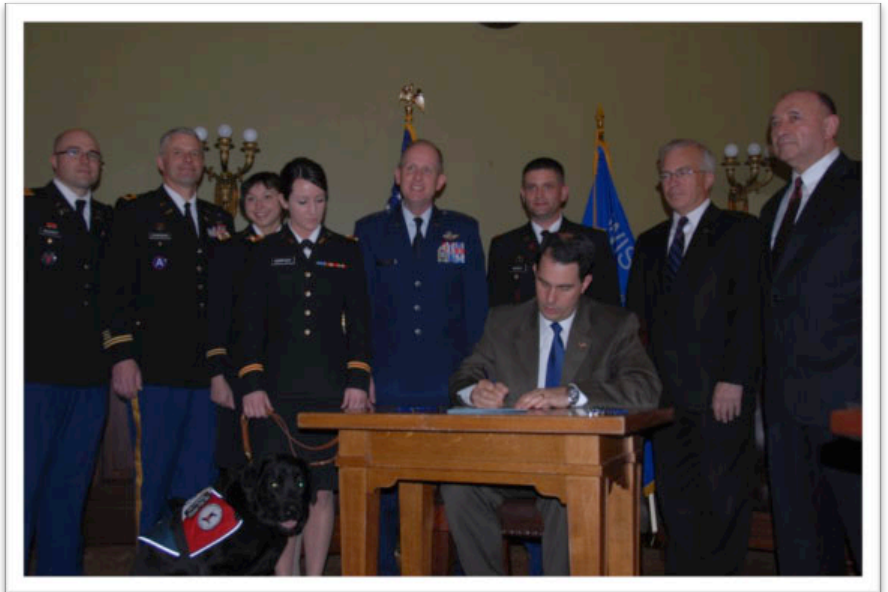
CCSDA and the WING SAPR program developed a partnership in October 2013, at which time the idea of incorporating a service dog into the SAPR program was staffed and ultimately approved by The Adjutant General in January 2014. The concept was that utilizing a PTSD service dog may greatly enhance the experience and lives of some Service Members that file official reports of sexual assault.



The service dog, “Falcon”, a three year old Black Labrador Retriever trained for PTSD-related disability assistance, was matched with our full-time Victim Advocate Coordinator and remains in her handle on a daily basis. Service dogs can provide specific life-enhancing assistance to people with disabilities. Disabilities associated with PTSD may be numerous, and include things such as hyper-vigilance, extreme fear, extreme anger, etc. Rates of PTSD among victims of sexual assault are greater than that of combat veterans.

Beyond the tangible benefits Falcon provides to the WING SAPR office, many Service Members, and many victims of sexual trauma, his addition to the team has benefitted the program in terms of advocacy and outreach. Service Members often see the SARC and VAC as more approachable, and often interact with SAPR personnel at various events and in conversations about sexual assault that would not have otherwise taken place. His presence alone is somewhat responsible for breaking down perceived barriers that has allowed some victims to come forward.

Since January 2014, Falcon’s story has been the subject of a Wisconsin Politics press release, a local radio interview, reported in the annual NGB SAPR report to Congress, briefed to the Secretary of Defense, and Falcon was present when the Governor of Wisconsin signed a bill modifying the Wisconsin Code of Military Justice,



updating sexual assault provisions. Falcon has drawn positive attention to the efforts made by the 10,000 Soldiers and Airmen of the Wisconsin Army and Air National Guard attempting to eliminate sexual assault from the military and improve the readiness of our units.

Falcon's work within the SAPR program was recently recognized as a best practice by the Chief of the National Guard Bureau during the annual conference of SARCs and VACs in July of 2014, and most recently recognized in the 2014 NGB SAPR report to President Obama.

In January of 2015, a second PTSD service dog, "Peanut", was placed by Custom Canine Service



Dog Academy and the Wisconsin National Guard at the National Guard Challenge Academy at Fort McCoy. The Wisconsin Challenge Academy is a voluntary residential program established in 1998 to intervene in the lives of youth at risk of not graduating from high school. The program is for highly motivated youth, committed to turning their lives around. The quasi-military residential program offers cadets the opportunity to work towards earning the High School Equivalency Diploma (HSED), replace negative habits with positive

behaviors, and develop the life skills necessary to be successful, responsible citizens. Peanut's specific PTSD service dog skill sets are utilized by the Challenge Academy counseling staff when interacting with cadets who have diagnosed symptoms similar to or as a result of PTSD.

## RESILIENCE INITIATIVES

In addition to SAPR specific training, the Wisconsin National Guard has been on the leading edge of the Army's Ready and Resilient campaign and associated training for all Soldiers. The Ready and Resilient Campaign is a comprehensive plan to address the immediate and enduring needs of the Total Army including Active, Reserve, and National Guard Soldiers, their Families, and Army Civilians. This Campaign guides the Army's efforts to build and maintain resilience across the Total Army to improve unit readiness and further reinforce the Army Profession. The Wisconsin Military Academy hosts the Master Resiliency Trainer (MRT) Course. This course prepares Soldiers to return to their units and teach specific resiliency skills to all Soldiers. Resilience is the mental, physical, emotional, and behavioral ability to face and cope with adversity, adapt to change, recover, learn, and grow from life challenges. Resilience is produced by a combination of knowledge, skills, abilities, and other characteristics found in individuals



and groups that are either innate or can be taught and improved through education and training. Though the focus remains on prevention training and holding perpetrators accountable, the Wisconsin National Guard's efforts to develop resilient Soldiers makes them better postured to deal with the consequences in the event a sexual assault does occur. The Wisconsin Military Academy has trained nearly 2,500 Soldiers and civilians in (MRT) skills, over 200 of which are currently serving in Wisconsin (Active, Reserve, and National Guard).

